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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,483	09/22/2006	Christian W Meentzen	3436-015	3654
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EXAMINER				
CHEN, YI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/585,483

Applicant(s)

MEENTZEN ET AL.

Examiner

YI CHEN

Art Unit

4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- Paper No(s)/Mail Date 7/7/2006.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. \Claims 1-14 are pending in this application.

Claim Objections

2. Claims 1-9 recites, "characterised" which contains a typographical error.

Appropriate corrections are required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 14 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 14 recites a computer program product that encompasses mere software, per se. Software is not one of the statutory subject matters.

Claim Objections

5. Claim 1 recites the limitation "the monitoring unit". There is insufficient antecedent basis for this limitation in this claim.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-2, 7-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being unpatentable over Hass et al., (US 6,725,255 B1, hereinafter Hass),**

8. Regarding claim 1, Hass discloses a method of monitoring data exchange between application systems comprising the steps:

transmitting a dispatch control message from a first application system, (Fig. 1, "server 18/agent 22"), to a separate monitoring unit ,(Fig. 1, client 14/agent 20), after dispatch, (col. 5, line 17, "client 14 notifies server agent 22 of a successful receipt of a data transmission") of a data packet from the first application system to a second application system, (col. 5, lines 7-24).

creating a reception control message from the second application system after successful reception of the data packet by the second application system, (col. 5, lines 14-18) and

outputting a monitoring message from the monitoring unit containing information as to whether the data packet was received by the second application system successfully and within a predetermined transaction time, (col.5, lines 19-38, lines 60-65).

9. Regarding claim 10, Hass discloses a monitoring system for monitoring the data exchange between application systems comprising:

a first application system for transmitting a despatch control message to a separate monitoring unit, (Fig. 1, client 14/agent 20), after despatch, (col. 5, line 17, "client 14 notifies server agent 22 of a successful receipt of a data transmission"), of a data packet from the first application system, (Fig. 1, "server 18/agent 22"), to a second application system, (col. 5, lines 7-24).

a second application system for creating a reception control message after successful reception of the data packet, (col. 5, lines 14-18), and

a monitoring unit for outputting a monitoring message containing information as to whether the data packet was received by the second application system successfully and within a predetermined transaction time, (col. 5, lines 19-38, lines 60-65).

10. Regarding claim 13, Hass discloses a method of monitoring the data exchange between application systems comprising the steps:

receiving a despatch control message from a first application system after despatch, (col. 5, line 17, "client 14 notifies server agent 22 of a successful receipt of a data transmission"), of a data packet from the first application system, (Fig. 1, "server 18/agent 22"), to a second application system, (col. 5, lines 7-24).

checking a reception control message created by the second application system after successful reception of the data packet, (col. 5, lines 14-18),

checking whether the data packet was received by the second application system successfully and within a predetermined transaction time on the basis of the despatch control message and the reception control message, creating a corresponding monitoring message, and outputting the monitoring message, (col. 5, lines 19-38, lines 60-65).

11. Regarding claim 2, Hass discloses the first and second application systems are not directly connected together but are indirectly connected together in particular by way of at least one further application system and/or transmission system, (figure 1, col. 4, lines 28-34).

12. Regarding claim 7, Hass discloses the reception control messages are transmitted from the second application system to the monitoring unit, (col. 5, lines 14-18).

13. Regarding claim 8, Hass discloses the reception control messages are stored in the second application system and the monitoring unit periodically monitors the stored reception control messages, (col. 5, lines 14-38).

14. Regarding claim 9, Hass discloses the monitoring message is transmitted to the first application system, a service provider connected to the first application system or a user of the first application system, (col. 5, lines 50-65).

15. Regarding claim 11, Hass discloses a checking unit for checking a reception control message created by the second application system after successful reception of the data packet, (col. 5, lines 14-18),

a processing unit for checking whether the data packet was received by the second application system successfully and within a predetermined transaction time, on the basis of the despatch control message and reception control message and for creating a corresponding monitoring message, and an output unit for outputting the monitoring message, (col. 5, lines 19-38, lines 60-65).

Hass doesn't explicitly disclose a receiving unit for receiving a despatch control message from a first application system after despatch of a data packet from the first application system to a second application system.

Welch discloses a receiving unit for receiving a despatch control message, ("transfer record", col. 5, lines 33), from a first application system after despatch of a data packet from the first application system to a second application system, (col. 2, lines 44-52, col. 5, lines 35-40). It would have been obvious to one skilled in the art at the time of the inventions to realize that the message needs to send the monitoring unit in order for the monitoring unit to record files transfer.

It would have been obvious to one skilled in the art at the time of the inventions to combine the teachings of Hass and the teachings of Welch to create a system which can monitor data exchange and estimate the predetermined transaction time.

16. Regarding claim 14, Hass discloses a computer program with computer program means for causing a computer to execute the steps of the method according to claim 13 when the computer program is executed on a computer, (col. 3, lines 15-45).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3, 5-6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hass as applied to claims 1 and 10 above, in view of Mitrani et al., (US 5,862,335, hereinafter Mitrani).

19. Regarding claim 3, Hass does not disclose the application and transmission systems connecting the first and second application systems also create reception and/or despatch control messages after successful reception and despatch respectively of the data packet and communicate same in particular to the monitoring unit.

Mitrani discloses the application and transmission systems, (CCNAs, col. 3, lines 20-25), connecting the first and second application systems also create reception and/or despatch control messages after successful reception and despatch respectively of the

data packet and communicate same in particular to the monitoring unit, (col. 7, lines 48-65).

It would have been obvious to one skilled in the art at the time of the inventions to combine the teachings of Hass and the teachings of Mitrani to create a system which can find out where the errors occur.

20. Regarding claims 5 and 12, Hass does not disclose rules concerning the transmission of data packets are predetermined in the monitoring unit, in which rules it is specified which points are to be monitored by the monitoring unit on the basis of the despatch and reception control messages.

Mitrani discloses rules concerning the transmission of data packets are predetermined, ("transmitting one or more commands", col. 7, lines 48-65), in the monitoring unit, in which rules it is specified which points, (testing center transmits one or more comments to one of the CCNAs which is located in network, col. 7, lines 48-65, "packets having the specified bit pattern", col. 8, lines 15-45), are to be monitored by the monitoring unit on the basis of the despatch and reception control messages, (col. 8, lines 7-46).

It would have been obvious to one skilled in the art at the time of the inventions to combine the teachings of Hass and the teachings of Mitrani to create a system which can configure the monitor device how to monitor the data.

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21. Regarding claim 6, the claim is rejected for the same reasons as claim 5 above, in addition, Mitrani discloses measures to be taken for different kinds of data packets in the case of a negative result of points to be monitored, maximum transaction times, transmission paths and/or application systems from which control messages are expected are specified in the rules, (col. 8, lines 7-46)

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hass as applied to claim 1 in view of Fong, (US 6,636,893 B1).

23. Regarding claim 4, Hass doesn't disclose the first and second application systems are different application systems in particular use different data protocols.

Fong teaches the first and second application systems are different application systems in particular use different data protocols, (col. 7, lines 65-67).

It would have been obvious to one skilled in the art at the time of the invention to modify Hass by utilizing different protocols between system 1 & 2, allowing for interfacing and communication between different protocol systems, as is conventional in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Welch, Jr. et al., US Patent NO. 5,862,335

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YI CHEN whose telephone number is (571)270-3805. The examiner can normally be reached on 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil Elhady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yi Chen
2/19/2008

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152